

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ADAM CHASTEEN,

Plaintiff,

v.

LVNV FUNDING, LLC,

Defendant.

Case No. 1:13-cv-216

Beckwith, J.
Bowman, M.J.

REPORT AND RECOMMENDATION

Plaintiff initiated this litigation *pro se* and *in forma pauperis* on April 1, 2013, alleging that Defendant has violated the Fair Debt Collection Practices Act and Fair Credit Reporting Act, and seeking both injunctive and monetary relief. Pursuant to local practice, this case has been referred to the undersigned magistrate judge for initial consideration and a report and recommendation on any dispositive motions.

On April 4, 2013, this Court issued summons and directed service by the U.S. Marshal “as directed by the plaintiff.” (Doc. 2). Plaintiff filed a motion for “default judgment” on May 20, 2013, seeking judgment as a result of Defendant’s alleged failure to file any answer. The record reflects that Defendant filed its answer on May 17, 2013. (Doc. 5). For the reasons explained in Defendant’s response in opposition to Plaintiff’s motion (Doc. 7), Defendant’s answer is timely. Plaintiff has not disputed that response through a reply memorandum. Because this Court finds Plaintiff’s motion to be both

procedurally improper and legally without justification, IT IS RECOMMENDED THAT the motion for default judgment (Doc. 6) be DENIED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).